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N.J. BOARD OF NURSING

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N.J. BOARD OF NURSING

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR  
REVOCATION OF THE CERTIFICATE OF

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE

Christian Mayes, C.H.H.A.  
Certificate No. 26NH13348800

Finalized by Default on: 04/14/14

HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

**FINAL**

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed, and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Christian Mayes, ("Respondent") is the holder of Homemaker Health Aid Certificate 26NH13348800 in the State of New Jersey. (See L2k printout annexed hereto as **Exhibit A**).

2. On August 20, 2013 the Respondent was arrested by the Mount Laurel Township Police for one count of Fraudulent Use of a Credit Card in violation of N.J.S.A. 2C:21-6H, and one count of Credit Card Theft, in violation of N.J.S.A. 2C:21-6C(1). (See Mount Laurel Township Police Department, annexed hereto as **Exhibit B**, page 1).

3. The arrest stemmed from allegations that a client's credit card was taken by Respondent and used for the unauthorized purpose of paying off personal debt. Specifically, a Discover card belonging to a client was used to make the following payments: July 14, 2013, \$258.88 to Verizon; July 16, 2013, \$427.95 to Home Shopping Network; July 16, 2013, \$936.00 to Affordable Auto Sales; and July 17, 2013, \$1,371.12 to Enhanced Recovery. The total amount of unauthorized charges is \$2,993.95. (See Mount Laurel Township Police Report, annexed hereto as **Exhibit B**, pages 3-4).

4. Upon receipt of information regarding the theft, Respondent was contacted by the Mount Laurel Police Department and asked to report to the Police Station for an interview. During the course of the post-Miranda interview, which was recorded, Respondent admitted to use of the credit card, but indicated that the client had authorized the use. Respondent denied removing the credit card from the home. She then stated that she should not have accepted this from the client, and

offered to make restitution. In a subsequent interview with the client, which was also recorded, the client denied that the transactions were authorized. (See Mount Laurel Township Police Report, annexed hereto as **Exhibit B**, pages 6-7. Both interviews are available for review, if necessary).

5. On August 30, 2013, the Board received a letter from Respondent's employer Freedom Home Health Care indicating that Respondent had been terminated as a result of her arrest for Credit Card Theft and Credit Card Fraud. (**Exhibit C**).

6. On September 9, 2013, the Board received a Special Notice of Indictment/Conviction from the Office of the Prosecutor of Burlington County, notifying the Board of the pending charges, and of their intention to indict her on charges of Theft by Deception, Credit Card Theft, and Fraudulent Use of a Credit Card. (**Exhibit D**).

7. On September 16, 2013, the Board of Nursing received a Health Care Professional Responsibility and Reporting Enhancement Act Reporting Form, detailing the events leading up to Respondent's termination from employment. (**Exhibit E**).

#### CONCLUSIONS OF LAW

The Respondent's conduct, as described herein, constitutes preliminary grounds to take disciplinary action against Respondent's certification to practice as a certified homemaker-

home health aide in New Jersey pursuant to N.J.S.A. 45:1-21(b), (e) and (f) in that Respondent has engaged in the use of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, has engaged in professional or occupational misconduct, and has engaged in acts constituting a crime relating adversely to the activity regulated by the Board.

ACCORDINGLY, IT IS on this 28<sup>th</sup> day of February, 2013,

ORDERED that:

1. Respondent's certification to practice as a homemaker-home health aide is provisionally suspended for a minimum of five years.

2. Respondent shall provisionally pay a penalty in the amount of \$1000.00, via certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after notice of the entry of any Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Prior to Board consideration of any application of Respondent's certification to practice as a CHHA, respondent shall provide documentation showing full compliance with the terms of any criminal sentencing that may result from the charges detailed above.

5. Prior to Board consideration of any request for reinstatement of her certification, Respondent shall appear before the Board to provide evidence of rehabilitation to the satisfaction of the Board, and to show competency to reenter practice as a homemaker home health aide, including completion of a homemaker home health aide training course as described in Board regulations.

6. Respondent shall provisionally refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as a certified homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

7. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within 30 days of the date this Provisional Order is filed by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of

Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

8. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.

9. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

10. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

*Patricia Murphy, PhD, APN*

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President